



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Total Spectrum Manufacturing, Inc.
File: B-225400
Date: December 12, 1986

DIGEST

General Accounting Office (GAO) will not review a protest of a procurement conducted by the Architect of the Capitol, who has agreed to have GAO review its protests, where the procurement was conducted on behalf of the Senate, whose procurements GAO lacks jurisdiction to review, and the Senate has approved the resulting award.

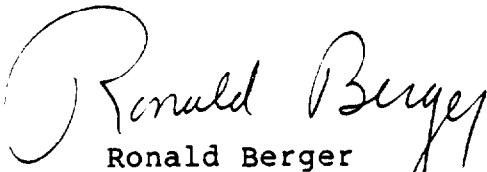
DECISION

Total Spectrum Manufacturing protests the purchase of a pan and tilt camera system for broadcast coverage of proceedings in the Senate Chamber. The procurement was conducted by the Architect of the Capitol using funds from the contingent fund of the Senate and subject to the approval of the Senate Committee on Rules and Administration (Committee). Because in late July the Senate decided to acquire the system for use when Congress planned to reconvene on January 6, 1987, the procurement was conducted orally on an expedited basis. The protester basically complains that it was not afforded a fair and reasonable opportunity to compete. We have been informally advised that the purchase order has been signed by the Senate contracting officer and approved by the Committee.

We dismiss the protest. Under the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (Supp. III 1985), and our implementing Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1986), an interested party may protest to this Office a solicitation issued by or for a "federal agency" for the procurement of property or services, or the proposed award or award of such a contract. See Monarch Water Sys., Inc., 64 Comp. Gen. 756 (1985), 85-2 CPD ¶ 146. The Senate and the Architect of the Capitol are not federal agencies within the purview of the act and our regulations. See 31 U.S.C. § 3551(3) and 40 U.S.C. § 442 (1982); Environmental Tectonics Corp., B-222483, Apr. 16, 1986, 65 Comp. Gen. ___, 86-1 CPD ¶ 377.

Moreover, while the Architect of the Capitol nevertheless has agreed to have this Office consider bid protests concerning the Architect's procurements, see 50 Fed. Reg. 30293 (1985), the Senate has not similarly agreed; the Architect therefore suggests that, since the subject procurement was conducted for the Senate, our review would not be appropriate. We agree. Given that the Architect conducted the procurement for the Senate and that the Senate itself, through its contracting officer and cognizant committee, has approved the procurement the question of the propriety of the Architect's actions is academic since it is not subject to legal objection by this Office.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel